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December 3, 2015

VIA ECF

Client: 03290-00077

The Honorable James C. Francis
United States District Court
for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: Feinberg v. Apple Inc., Case No. 15 Civ. 5198 (RA)

Dear Judge Francis:

We represent defendant Apple Inc. in the above-referenced action, and are scheduled to appear before Your Honor for a settlement conference on December 7, 2015. We write to request leave of Court to submit a pre-mediation letter brief. We have tried on repeated occasions to reach agreement with plaintiff regarding the submission of pre-mediation briefs, but plaintiff's counsel has not responded. We therefore request leave of Court to submit a pre-mediation brief of no more than 3 pages on an *ex parte* basis on or before 5 p.m. Eastern on December 4.

We also note that plaintiff has made repeated requests for an in-person inspection of the Store that is the subject of this dispute in advance of the December 7 settlement conference. We have respectfully declined plaintiff's request, just as Judge Abrams previously denied plaintiff's request for an inspection of the Store.

We look forward to meeting with you on December 7.

Thank you for your consideration.

Respectfully submitted,

/s/ Adam H. Offenhartz

Adam H. Offenhartz

cc: Norman B. Arnoff, Esq. (via ECF)